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DAVID FULTON, Editor.

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SPEECH OF MR. HAYWOOD, OF NORTH CAROLINA, ON THE OREGON QUESTION.

Delivered in the Senate on the 4th and 5th March.

The joint resolution for giving the notice to terminate the convention between the United States and Great Britain relative to the Oregon territory being under consideration—

Mr. Haywood addressed the Senate as follows: Mr. President, the subject before the Senate is an important one. Viewed in connection with the topics that have been brought into the discussion of it, it is one of momentous interest; and I confess that its magnitude oppresses me. My want of experience in political affairs naturally made me reluctant to enter into it as a speaker, when I must necessarily feel, in addition to the high responsibilities of the occasion itself, the embarrassment of addressing those who are my seniors in age and in political knowledge. Besides, I have thought that a silent vote, could it have been obtained, would be much more imposing. But the occurrence of the last few weeks have left me no choice. Silence would now be a compromise with my conscience and my duty to the country, and I must speak. It will take me some time, but I throw myself upon the patience of the Senate, with a pledge that my heart shall be opened sincerely, at this the council of our common country. I have no actions of the past to explain, and no aspirations for the future to restrain me; and, if God gives me strength and utterance for the work, I will do my whole duty according to my poor ability.

The President of the United States, who is authorized by the Constitution to make, but not to unmake treaties, has a negotiation on foot which was commenced or opened before his term of office began. The object of it has been to fix a line of division by compromise between the United States and Great Britain, and thereby to adjust the conflicting claims of the two Governments to the territory lying west of the Stony Mountains, commonly called Oregon. I assume for the present—hereafter I will demonstrate—that in the view of our President, as well as the British Minister, the negotiation is still a pending one. The assumption is warranted by every incident of the subject in this country and in Great Britain except the absurd conclusions and unauthorized constructions given by some of my own party friends to the message of the President. And it is confirmed beyond all fair doubt, by the silence of the President upon that point, when, if the negotiation had terminated, Executive silence would be unparliamentary—the more especially as his jurisdiction over the subject will cease the moment negotiations end. The negotiation once closed, concluded, put an end to, by the Executive, and all the remaining questions about Oregon will become forthwith subjects of legislation by Congress exclusively.

But to proceed. At the meeting of Congress in December the negotiators of the two Governments had been unable to agree upon a compromise of their conflicting claims, and the President, believing that, under the existing convention of 1827, the United States cannot "rightfully assert or exercise exclusive jurisdiction over any portion of the territory" without giving a year's notice, declared to Congress that, in his judgment, would be proper to give the notice; and thereupon, by his message, he recommended that provision be made by law for giving it accordingly, and terminating "in this manner" the convention of the 6th August, 1827. This then is the question: "What shall we do?"

The message of the President was accompanied by a copy of all the correspondence which had taken place in the negotiation; and we have subsequently been furnished, by his request, with such further correspondence as had taken place in it up to February, 1846. In the meanwhile, various propositions in the Senate, emanating from individual Senators, but not from the Executive, have been offered and proposed; and it is true, as some honorable Senator said the other day, that we have exhibited the singular spectacle in this Capitol of a discussion by Congress with open doors of nearly all the foreign affairs of the nation, and more especially of our affairs with Great Britain upon this very subject of the Oregon territory, although at the same time, negotiations have been going on at the Executive Department with the British Ministry; and it was rather intimated than charged that the President was to blame for it. Now, in the spirit of kindness which characterized this complaint, suffer me, a friend of the Administration, to answer why I do not concur in it, and how I suppose the sending of this correspondence here may be vindicated.

The President, believing that the convention of 1827 had better be abrogated, we know that he could do that in either one of two ways, but in no others. Either he must get an agreement with Great Britain to abrogate it by mutual consent, and then Congress need not be applied to at all; or he must get the mandate of a law, authorizing him to give a year's notice. The first mode was not attempted.

The other manner of doing it is by a law of this Government; and the President recommended to Congress—Congress alone being competent to enact it—that provision be made for giving the notice accordingly, and for terminating, "in this manner" the convention of 1827. Can it be said that the President erred in choosing "in this manner" of terminating the convention, it being the only mode by which that object could be legitimately accomplished without closing his negotiations for a compromise? The complaint against the message implies he had no intention to do that. It being indispensable to apply to Congress for a law to give the notice, was it not Congress every thing that had taken place in the negotiation, as far as it had progressed, when the President made his recommendation?

The case is a peculiar one; but that peculiarity did not arise out of any thing that this Administration has done, but altogether from the convention it is desired to abrogate, and the limited constitutional power of the American Executive. Look to the message itself, and you see nothing in either more or less than what the President was, in a great degree, obliged to disclose to the legislative department, under the peculiar circumstances of the subject. That Congress might determine this question of notice, they must know the state

and condition of the negotiation. They would know that best by sending up all the correspondence; and, in order that they might see and judge for themselves, the President communicated to Congress the whole correspondence which had taken place. He has done no more, and he is responsible for nothing more.

Had he any right to suppose that this would be made the foundation for violent, invective and irregular discussions, and for all the propositions that have followed it? If he had apprehended any such consequences, would that have authorized him to withhold the recommendation of a measure of legislation which he deemed to be essential to the interest of the nation, and which he may have supposed to be important to the peace of the country? Upon making such a recommendation, how could he conceal the information that was necessary to aid Congress in considering it? Had he any means of forcing that this simple act of necessary duty on the part of the Executive would be perverted into an occasion for debating, not the question of notice or no notice, which properly belongs to the Legislative department, but also our negotiations with Great Britain, when her Minister is in the city and even in the lobby of the Capitol, and our foreign relations and our grievances, real or supposed, with all the kingdoms of the earth, which legitimately belong to the Executive department? Perhaps he felt a strong reliance upon the prudence, moderation, and wisdom of Congress—the assembled representatives of the people and the States—and hoped that they would in such a case talk less but deliberate, and then act. Perhaps he thought that, upon a question of this kind, the necessity he was put under to disclose what was done by the Executive before he had terminated negotiations, would hardly be made a pretext for snatching negotiations out of his hands, which he did not recommend, instead of enacting a law to arm him with a notice that he did recommend. How far he was mistaken, if he did so feel and so think, need not to be said to this Senate. The events of the last few weeks speak for themselves. Believing that, so far as the President has been concerned, the British Government has got no advantage of us, I confess I did feel mortified in reading the news by the last steamer at the necessity of conceding to the debates of the British Parliament a decided superiority over those of ourselves in their dignity and moderation; and it would be quite a satisfaction to me to get news by the next packet of an outrageous debate in the British Parliament; at least sufficient to put us even with them on that score. I cannot help wishing it may be so.

(Some Senator: "Tis likely you'll be gratified.") But surely the fault is not altogether that of the President. Had he known ever so well that his recommendation to legislate, if Congress saw fit, so as to help his progress in negotiation, would be misconstrued into an invitation for all sorts of interference by Congress with the more appropriate duties of the Executive, he would hardly have been justified by it to omit all or any one thing which he has done. He has, as I understand his message, but done his duty, no more; and he dared not do less. I hope Senators will see in all this an excuse for the President, if they do not find in it a justification for his message to Congress communicating the correspondence of the British Minister. That the President sent this message to Congress might be excused indeed for other reasons, without a heavy tax upon our charity. He was bound to presume that Congress are wise and prudent legislators; that they would say nothing to embarrass negotiations unless Congress really wished to defeat negotiations; and even in that case he may have thought that, as by the Constitution treaty-making belonged to the President, under the advice of the Senate, his own "friends," without any recommendation from him, would long ago have proposed and voted directly "that the President should be advised by the Senate that he is mistaken in supposing the nation committed itself to any compromise, and that the negotiation upon that basis ought to be concluded, if that indeed be the decision of the people." That would be DOING something.

I do not affirm that the President thought all this, or any of it. Yet another thing has struck my mind with some force, and possibly it might not have been without its influence upon the President. When he came into office, he declared his belief that our title to Oregon was "clear and unquestionable." In prosecuting the negotiation, he found it to be his duty to offer a line of compromise at 49°, and to give up James K. Polk's opinion to the President's obligation to preserve national honor. From some cause or other, the public mind had been pre-occupied with the belief that this offer had not been made by him. But, as it had been made, the President might have felt and probably he did feel, a solicitude at the meeting of Congress to let the whole—to let out the secret—and to prevent, if he could, clamors or calumnies upon the subject. Had the President dreaded the same clamors, and sought to avoid, by such a disclosure, denunciations like those which have been unceasingly poured out upon the heads of the great men who negotiated and voted for the Washington treaty, I am sure the Senate would not blame him much for it—not very much. That Washington treaty seems to have become a favorite hobby. Perhaps it is to be kept a going until it can get company. It may be that the President did not wish to furnish the companion for it by keeping his "friends" unapprized of the important fact that he had offered a compromise. I should not wonder at it, if he did not. As it is, that thunder will all be spoiled as far as concealment goes.

I have seldom heard a discussion, Mr. President, about our territorial rights in any quarter, that Benton's speech against Webster's treaty was not re-produced. A new edition of an old speech, abridged to be sure, but not improved. Our politicians seem determined to convince the world abroad, and the people at home, whether or not, that our nation is always overreached, cheated, and disgraced. But why do this, if at all, long after a treaty has been solemnly ratified by a vote of 39 to 9 in the American Senate? Let not Senators give their aid to it, I say, as we love one another and the country. I utter no complaints against the speech itself of my honorable friend from Missouri, (Mr. Benton.) Like every thing else that comes from him, it was eloquent. It was in season and at the right time when he made it. The occasion which

called it forth has now passed, and along with it the strong excitement under which the speech was made. The constitutional authorities of the Government overruled his objections, and it is no disparagement to the fame of the speech or of that Senator, to believe that his noble and generous heart would be able to see now (and his manly character would let him own it) that there was quite enough of invective and suspicion in the speech when it was made. I know not how he feels under its repetition, with or without notes, but I have admired the patience of Senators implicated by denunciations about the Washington treaty, and wondered how they could silently endure it. Certainly, when such things are introduced here, they are in exceeding bad taste, and very like what a venerated friend of mine used to call the dullest thing in the world to listen at—old psalms sung over dead horses? Out of the Senate, it is the game by which great men of this nation are to be killed off, and more room left for exalting little men to big offices.

But, Mr. President, let all this be as it may, and let it be right or wrong in the President, and let it be right or wrong in the President, to have sent his message, and the information to it, to the Congress of the United States; he has done it—the act is past recall. The subject is before the Senate, and, with all its embarrassments, it has become necessary for the Senate to act upon it, and, in my judgment, the sooner we do that, the better for the country.

In order to act aright we must look to the President's messages, and see for ourselves what position he occupies. I agree entirely with some other Senators that we cannot take our position upon this question of the notice until we see the position of the President. See it, I mean, with a reasonable certainty; as positive certainty cannot be arrived at, and cannot be expected. If he means to negotiate for a compromise, or if there be a pending negotiation, it would be unwise, unprecedented, and indecorous, for the President, either himself directly, or indirectly through another person, to declare beforehand any determination of his own mind upon questions to arise in the further progress of such a negotiation. I shall, in justice to him, have occasion to point out to the Senate hereafter how I think this silence—this necessary silence—proves almost of itself that his "thoughts are turned on peace."

But what is the position of the President in this negotiation? About it there would be less doubt if there had been less effort to assign the President an extreme position and a false position. What say the "records?" Where does he stand? We must see before we fling him the notice to terminate the convention of 1827.

First, we all know that the President—whose assent is indispensable—will not agree to an arbitration. I do not stop to defend or to accuse him for this; it belongs to some other occasion. If, in the providence of God, this Oregon controversy should terminate in a conflict, the responsibility of having rejected arbitration will be a fearful one, and he will have to meet it. But the responsibility has been taken by him. The Senate, therefore, must now proceed upon it as a fact, a "fixed fact," that arbitration is out of the question. We cannot help it if we would, and I owe it to candor to say that I would not if I could.

Well, then, we have seen in his message that Great Britain made an offer of compromise, which was rejected by the American Government in August, 1844, and the President has informed Congress plainly and distinctly that this British proposition to us cannot be entertained by him, but that it is "wholly inadmissible." So far there is no difficulty. Every thing is plain and directly to the point, as it ought to be.

Next, we are informed by the message that the President himself made an offer to Great Britain by which the territory of Oregon between the parallels of 42° and 54° 40' was proposed to be divided by a compromise on the line of 49°, and that the British Minister rejected it without submitting any other proposition, &c. This offer of our President was made on the 12th of July, 1845—refused on the 29th of the same month. But on the 30th August, 1845, the President withdrew his rejected proposition, and re-asserted, by his letter to the British Minister, our claim and title to the whole of Oregon; which letter has not been answered!

The President does not say that the negotiation has been abandoned, nor that it will be concluded by him without waiting to receive another offer. No such thing. He does not inform Congress that he will or will not retract, or that he will or will not entertain his own offer, which he had adopted as that of the nation, for a compromise. I repeat that it was, under the circumstances, impossible for him to do that, provided he considered compromise still admissible. But he does say that he has receded, notwithstanding his opinion as to title, to the line of 49° as a compromise, and his reasons for it are given—reasons quite as conclusive in favor of accepting the offer now as they were for making it last year. And, as I understand the President's position, he stands this day upon that line of 49° as a compromise, if compromise is to be had. Once for all, let me explain, that when I have spoken or shall hereafter speak of the "compromise line of 49°," I do by no means intend to be understood literally. But I mean that line in substance—not "every inch"—I mean the same compromise substantially which this Government has frequently offered, without regard to slight variations; which may be left for settlement by "equivalents." I do not measure my own or other people's patriotism by the "inch." I shall not recognize that measurement in deciding upon the merits of the Administration or the wisdom of a treaty—not at all.

Mr. President, I disavow any authority to speak FOR the President. I have already said that he could not speak for himself, nor authorize another to speak for him, so long as negotiation was pending, or not concluded. Oh! I wish it were so that he could speak out. But I must be allowed to speak for myself. Since the Administration has been so perseveringly put where I ought not to stand by it; and I will dare to speak to the President, and of the President and his Messages, from my station upon this floor, as I judge him and them. And I say, in answer to certain Senators of my party, that the President did right, exactly right, in continuing this negotiation for a compromise which he found on foot, and in renewing the offer of 49° as a line of com-

promise. And in reply to them further, I say that he ought not, and my convictions are as strong as death itself that he cannot, will not, disgrace himself and his Administration, by refusing his own offer, should it be returned upon him—refusing, I mean, to entertain it; repulsing it, and rashly putting a final termination to his negotiation for a peaceful compromise; and madly forcing his country into a war, without even consulting his constitutional advisers, the Senate; who are this day assembled. Yet that is said of him day after day in this Senate. A war for what? Why, Mr. President, a war between two great Christian nations upon the meaning of the word settlements in the Nootka convention! A war, perhaps, of twenty years, to determine which of these Christian Governments shall enjoy the privilege of cheating the poor Indians out of the largest portion of Oregon. No, sir; no, sir. The President will not do that. As he loves his country, and values his own fame, he dare not think of it.

But I have said the President did right in offering a compromise of this controversy. Other friends of this Administration have said he did wrong, particularly the Senators from Ohio, (Mr. Allen,) Indiana, (Mr. Hannegan,) and Illinois, (Mr. Breese.) Friends and enemies, (if he has an enemy here,) will you hear another friend in his defense? It is a serious charge, if it be true. What are the facts? Let him be tried by these, and there can be no doubt of the decision. Hear them.

He found it in our own history a fact, an undeniable fact, that, so long ago as forty years, in negotiations between this Government and Great Britain, the United States had maintained and asserted that the true line of our national rights, west of the Stony Mountains, was at the 49th parallel on the north, in virtue of the treaty of Utrecht, and of our treaty with France in 1803. He found that it was urged by our Government upon the opposite party as a fact, too, that commissioners had been appointed to designate the line west of the Stony Mountains, constituting the south boundary of Great Britain and the north boundary of France, who sold us Louisiana; and that that line had been settled at 49°; and this fact was assumed as the basis of very important negotiations at that time in progress between us and Great Britain. He knew that this was in the days of Jefferson and his contemporaries.

Nobody, I believe, ever suspected Jefferson of being "British."

He found that in subsequent efforts to adjust this long pending controversy, to wit, in 1817, the American Government had proposed this same compromise line at 49°; (substantially, I mean, not in all its details.) And although our Ministers were instructed to insist upon it, they were unable to get the consent of Great Britain; and that negotiation finally terminated in a convention for what we call a joint occupancy of the whole territory, entered into, I believe, by our request, and certainly done with our consent, which convention was to continue for ten years and no longer. That convention was sent to the Senate, with all the correspondence, and it was ratified and approved by a vote of ayes 38, noes none—all British!

He found that this convention was not satisfactory; but the Government of the United States grew anxious to settle and adjust the line of division between us and the European Governments claiming territorial rights west of the Stony Mountains. Russia and Great Britain both asserted rights there. Russia furnished pretty strong signs of the Emperor's intention to maintain hers against all the world. The American Government (after a long delay growing out of our policy towards Spain whom we did not wish to offend by setting up our claims prematurely) finally acceded to a proposal of opening negotiations with Russia and Great Britain about 1824 for a line of compromise.

Our Ministers were instructed to get this line adjusted upon a compromise with both nations at the 49th parallel, and we hoped at one time to unite Great Britain with us against Russia. But Great Britain, although a "joint occupant" with us, managed her diplomacy better than that; and after the United States had agreed with Russia to abandon all our rights—viz. "not to settle" north of the parallel of 54° 40'—his Majesty the King of England, &c. made a separate treaty with the Emperor of Russia, and took to himself a large share of what we had surrendered! [Our 54° 40' friends ought to go for it all back again, according to their doctrines, and perhaps England, with Russia to help her, would favor us with a fight, and that's something.] In our negotiation of that convention with Russia, and in our attempts to negotiate at that time with Great Britain, the American Government yielded up her claims between 54° 40' and 61° unto Russia. (What an unconstitutional and disgraceful dismemberment!) And the same old compromise line, substantially that which the President re-offered in 1845, was tendered to Great Britain and declined—urged and refused! [How one's American blood boils at the thought of ceding an inch!] The treaty with Russia, which, in view of Senators, so dishonorably and unconstitutionally dismembered the national domain, (for the benefit of crowned heads too!) was submitted to the American Senate, and with a full knowledge of the correspondence, the Senate approved it all by a vote of ayes 41, no 1!

Who was it?" exclaimed several voices.

"Where was he from?"

Ans. R. Island. His name was D'Wolf.

All "British," save one!

In passing, the Senate will suffer me to say that this treaty with Russia was made within the very year succeeding the famous declaration of President's Monroe's message against new European colonies on this continent! Made by him! It is of itself a contemporaneous construction of the meaning attached to that declaration. Attention is due to the names of the forty-one Senators who approved of it. There are illustrious names in that list; but I have not time to go into such details, and, if I had, the Senate would hardly have patience to hear me through.

The President further found that our impatience to fix upon the line of 49° as a compromise was again manifested as soon as the convention of 1818 was likely to expire; and that, in the correspondence preceding that identical convention of 1827, which it is our present wish to abrogate by a notice, the American Minister was instructed to adjust the controversy at this same line of 49°; and the convention was made only because that compromise line could not be got. That correspondence also was

laid before the Senate along with the convention of 1827, where, in despite of the opposition of my honorable friend from Missouri, (Mr. Benton,) and in defiance of his predictions, the convention was approved by a vote ayes 31, noes 7.

The "British" party seems to have been still a strong party in the American Senate! The names of some of them stood high on the rolls of Democracy, and some are now in high places. I will not tax the patience of the Senate by reading them over.

He found that under the administration succeeding the ratification of this convention, all of them—Adam's, Jackson's, Van Buren's, Harrison's, and Tyler's, too—we made no complaint of Great Britain about Oregon, and sounded no alarm to the people to prepare for a repudiation of our own offers to compromise "an inch," below 54° 40'; but quietly submitted to let this remain as they were until October, 1843, when the message informs us that our Minister in London was authorized, to make an offer of compromise similar to those made by us in 1717 and 1827; in other words, to renew our offer of the compromise line of 49°. This stood the question when the negotiation was transferred to Washington.

Here I beg the Senate to observe that Mr. Tyler's message, in December, 1843, informed Congress that "the negotiations for an adjustment and settlement had again been proposed, and were in progress to a resumption." Yes, proposed by us; and the President said that "every proper expedient would be resorted to for the purpose of bringing it to a speedy and happy termination." And, again, by his message to Congress, in December, 1844, he said: "A negotiation has been formerly entered upon between the Secretary of State and her Britannic Majesty's Minister, &c., residing at Washington, relative to the rights of their respective nations in and over the Oregon territory. That negotiation is still pending." This, too, after Mr. Polk's election—after the Baltimore Convention of 1844. But no where could the President find that any of the "true friends of Oregon" had recorded their opposition to it by their votes in Congress. If he did, it is more than I can find. The Senators from Ohio, Indiana, and Illinois (Messrs. Allen, Hannegan, and Breese) were all Senators at the time. No, Mr. President, the Senate did not advise nor protest against negotiation when it was only "in progress to a resumption," nor had Senators brot themselves up to the point, so far as I know, of only moving, so late as two years ago, whilst there was time and opportunity for it, to stop the negotiation itself, which has now become so unconstitutional and so dishonorable to the nation.

But again: He found that these persevering efforts to fix our northern boundary in Oregon at the forty-ninth parallel by a compromise—these well-considered instructions to our Ministers, and often-repeated propositions to the adverse claimants for a compromise—made before Spain had released her rights, and repeated afterwards were long since exposed to the public eye; and that neither the People's Representatives in Congress, nor the States, nor the People themselves, had complained against the Presidents, and Statesmen, and Senators who had been endeavoring to accomplish a compromise at 49° for nearly half a century. No, sir. Until very recently, indeed, the complaints, when made at all, were aimed at Great Britain for refusing to accept this reasonable and just compromise of our conflicting claims. Memorials, when sent at all, were applications to settle and adjust the controversy; and our efforts to legislate over the subject were confined to the valley of the Columbia river—this side of 49°.

Well might the President pause, then, notwithstanding his own individual opinion on our title to the whole of Oregon was "clear and unquestionable," ere he took the responsibility, in view of all this, of abruptly putting a stop to the negotiation which he found on foot, as it had begun by his immediate predecessor, upon a negotiation for a compromise. Well might he feel that the NATION was committed to a compromise. Well might he dread that, for him to put his personal opinion upon the strength of our paper title, however "clear and unquestionable," against all these solemn acts of the Government, and against this concurrent action and acquiescence of all our Presidents from Jefferson inclusive, and of all our Statesmen, and of all our Senators, (except Mr. D'Wolf, and of all our people and their Representatives for two generations—constituting, as it were, a NATION'S OPINION—would be sacrificing the faith, consistency, sincerity, and honor of this country, to preserve the personal consistency of himself—a single man! A mere politician might have halted, but a STATESMAN could not. He lifted himself above himself, and showed how well he merits the office his country has appointed him to fill. God grant that he may stand firm to his position!

And what "commits" a nation but its honor! Honor! National honor! But its obligations must be felt, and are not a topic for argument and debate in an American Senate. I have imperfectly groped the facts from our own history. Senators must determine for themselves. Appealing to their hearts as monitors, I ask whether I was not justified in asserting that the President did right in offering the line of 49° as a compromise, because the nation was thus committed to it by the past?

But the Senator from Illinois (Mr. Breese) has said the question was "a new one, so far as it concerned the President," because he had a clear opinion that our title was good, and gave that opinion before his nomination; and he seems to think that the Baltimore Convention of the Democratic party had resolved this matter out of the general rule, and made it a new one to this administration. Strange proposition! Passing strange! Of the Baltimore Convention I shall speak hereafter. And now as to Mr. Polk's opinion upon our title. However clear, and whenever entertained or expressed, let me say that Mr. Polk's opinion, nor the opinions of the Baltimore Convention, nor those of the people themselves upon the title to Oregon, touch this question. All that has just nothing at all to do with it. If the character and sincerity, and faith, and honor of the nation were committed to a compromise before Mr. Polk was elected, they remained so notwithstanding his election, and notwithstanding his opinion or any body's opinion upon our title.

The men who become Presidents of the Republic are always changing—they live and die, but the nation is always changing—they live and die, but

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